

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

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4 AT LAST SPORTSWEAR, INC., )  
5 )  
6 Plaintiff, ) 13 CV 2355 (WHP)  
7 )  
8 v. )  
9 )  
10 MICHAEL KAMENS, )  
11 )  
12 Defendant and Third-Party Plaintiff, )  
13 )  
14 v. )  
15 )  
16 AT LAST SPORTSWEAR, INC., )  
17 BONNI DUCHON, )  
18 SUNIL AHUJA, and )  
19 SANJAY ISRANI, )  
20 )  
21 )  
22 Third-Party Defendants. )  
23 -----X

24 DEPOSITION OF

25 BONNI DUCHON

NEW YORK, NEW YORK

SEPTEMBER 12, 2013

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1 B. DUCHON

2 knowledge and experiences and recollections. If you  
3 don't know the answer to a question or you don't  
4 remember, you should not guess or speculate. If you  
5 don't understand one of my questions, please ask me, and  
6 I will attempt to rephrase the question.

7 From time to time, your attorney may make  
8 objections for the record. Unless it's a situation  
9 where your attorney is advising you not to answer the  
10 question, the objection is for the record, and you  
11 should attempt to answer the question to the best of  
12 your ability, even though your attorney has objected.

13 We will roughly break once an hour for five  
14 minutes, five, ten minutes, to give everyone a chance to  
15 stretch. If at any time during the deposition however  
16 you need a break, please ask for one, and we'll break.  
17 The only request I have is that you do not take a break  
18 while one of my questions is pending that you have to  
19 provide an answer to, and I also request that you do not  
20 discuss your testimony with your attorney during the  
21 course of the deposition.

22 We were here Tuesday, and I also noted for  
23 the record that the Defendant in this case has recently  
24 served a document request. The Plaintiff or Plaintiffs  
25 have not had an opportunity to respond to that document

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2 request yet since it was only served Tuesday. It is our  
3 position, Mr. Kamens' position, that if documents are  
4 produced that are responsive, we may seek to reopen the  
5 deposition and continue it at a latter date.

6 Your Counsel disagrees with that position.  
7 We'll give her every opportunity to state her  
8 disagreement for the record. We will not be taking  
9 seven hours today in the event that the deposition needs  
10 to be continued. I expect that we will end at 1:30 or  
11 2:00 this afternoon. With that being said, Diane, if  
12 you want to state your response.

13 MS. WINDHOLZ: I'll just reiterate my  
14 objection again to the continuation of the  
15 deposition. Rule 30 of the Federal Rules of  
16 Civil Procedure clearly states that depositions  
17 are to be conducted over the course of a maximum  
18 of seven hours over the course of one day, not on  
19 continuing days, but very clearly in one day.

20 So we would object to the continuation of  
21 this deposition on any other day. You have your  
22 full seven hours today. I suggest you use those  
23 seven hours to complete Ms. Duchon's deposition  
24 today because we will not produce her again at a  
25 later date.